

House Bill 2750

Sponsored by Representative BOWMAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits charging of fees or requiring of participation in fundraising activities as condition of participating in interscholastic activities.

Authorizes use of moneys in Statewide Education Initiatives Account for costs incurred by school districts and public charter schools as result of prohibition on charging fees or requiring participation in fundraising activities as condition of participating in interscholastic activities.

Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

1
2 Relating to funding for interscholastic activities; amending ORS 326.051, 327.254, 339.147, 339.155,
3 339.450 and 339.460; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 326.051 is amended to read:

6 326.051. Subject to ORS 417.300 and 417.305:

7 (1) In addition to such other duties as are prescribed by law and pursuant to the requirement
8 of ORS chapter 183, the State Board of Education shall:

9 (a) Establish state standards for public kindergartens and public elementary and secondary
10 schools consistent with the policies stated in ORS 326.011.

11 (b) Adopt rules for the general governance of public kindergartens and public elementary and
12 secondary schools.

13 (c) Prescribe required or minimum courses of study.

14 (d) Adopt rules for public kindergartens and public elementary and secondary schools consistent
15 with the policy stated in ORS 342.437.

16 (e) Adopt rules regarding school and interscholastic activities. **The rules must prohibit a
17 school district or a public charter school from charging any fees or requiring participation
18 in any fundraising activities as a condition of participating in an interscholastic activity.**

19 (f) Adopt rules that provide that no public elementary or secondary school shall discriminate in
20 determining participation in interscholastic activities. As used in this paragraph, "discrimination"
21 has the meaning given that term in ORS 659.850.

22 (g) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury com-
23 pounds and mercury-added instructional materials by public elementary and secondary schools.

24 (2) The State Board of Education may:

25 (a) Consistent with the laws of this state, accept money or property not otherwise provided for
26 under paragraph (b) of this subsection, which is donated for the use or benefit of the public
27 kindergartens and public elementary and secondary schools and use such money or property for the
28 purpose for which it was donated. Until it is used, the board shall deposit any money received under
29 this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) Apply for federal funds, accept and enter into any contracts or agreements on behalf of the
 2 state for the receipt of funds from the federal government or its agencies and disburse or expend
 3 the federal funds as provided by ORS 327.128. This paragraph applies to federal funds to be used for:

4 (A) Educational purposes, including but not limited to any funds available for the school lunch
 5 program;

6 (B) Career and technical education programs in public elementary and secondary schools; and

7 (C) Any grants available to the state or its political subdivisions for general federal aid for
 8 public kindergartens, public elementary schools and public secondary schools and their auxiliary
 9 services, improvement of teacher preparation, teacher salaries, construction of school buildings, ad-
 10 ministration of the Department of Education and any other educational activities under the juris-
 11 diction of the State Board of Education.

12 (c) Adopt rules to administer the United States Department of Agriculture's National School
 13 Lunch Program and School Breakfast Program for public and private prekindergarten through grade
 14 12 schools and residential child care facilities.

15 **SECTION 2.** ORS 339.155 is amended to read:

16 339.155. (1) A district school board or public charter school as defined in ORS 338.005 may
 17 not:

18 (a) Require payment of fees as a condition of admission to those pupils entitled under the law
 19 to free admission. [*However, The following are not considered as conditions of admission:*]

20 [*(a) Pursuant to ORS 339.141, but subject to ORS 339.147, tuition may be charged for courses not*
 21 *part of the regular school program.*]

22 [*(b) A charge may not be made for a standard, prescribed textbook but a security deposit may be*
 23 *required, which may be refunded if the textbook is returned in usable condition. Supplemental texts*
 24 *shall be made available on loan.*]

25 [*(c) A deposit may be charged for a lock for a locker.*]

26 **(b) Charge for a standard, prescribed textbook. Nothing in this paragraph prohibits:**

27 **(A) Charging a security deposit for a textbook, which may be refunded if the textbook is**
 28 **returned in usable condition.**

29 **(B) Making supplemental texts available on loan.**

30 **(2) Pursuant to ORS 339.141, but subject to ORS 339.147, a district school board or a**
 31 **public charter school may charge tuition for courses not part of the regular school program.**

32 **(3) A district school board or a public charter school may charge a deposit for a lock for**
 33 **a locker.**

34 [(2)] **(4)** A district school board or public charter school may require pupils who do not furnish
 35 their own attire for physical education classes to pay an appropriate fee for uniforms provided by
 36 the district or public charter school.

37 [(3)] **(5)** A district school board or public charter school may require pupils who do not provide
 38 appropriate towels for physical education classes to pay a fee for use of towels provided by the
 39 district or public charter school.

40 [(4)(a)] **(6)(a)** A district school board or public charter school may require payment of fees for
 41 the use of musical instruments owned or rented by the district or public charter school. The district
 42 school board or public charter school may not charge a fee that exceeds the rental cost of the in-
 43 strument to the district or public charter school or the annual depreciation plus actual maintenance
 44 cost for each instrument.

45 (b) Notwithstanding paragraph (a) of this subsection, a district school board or public charter

1 school may not require payment of fees for the use of a musical instrument from children exempt
 2 from tuition under ORS 339.147. The district school board or public charter school shall lend musical
 3 instruments, without charge, to children exempt from tuition under ORS 339.147.

4 [(5)] (7)(a) Subject to ORS 339.147, a district school board or public charter school may require
 5 payments of fees in any of the following:

6 [(a)] (A) In any program where the resultant product, in excess of minimum course requirements
 7 and at the pupil’s option, becomes the personal property of the pupil.

8 [(b) Admission fees or charges for extracurricular activities where pupil attendance is optional.]

9 [(c)] (B) A security deposit conditioned on the return of materials, supplies or equipment in-
 10 cluding athletic equipment.

11 [(d)] (C) Items of personal use or products which a pupil may purchase such as student publi-
 12 cations, class rings, annuals and graduation announcements.

13 [(e)] (D) Field trips considered optional to a district’s or public charter school’s regular school
 14 program.

15 [(f)] (E) Any authorized voluntary pupil health and accident benefit plan.

16 [(g)] (b) As used in this subsection, “minimum course requirements” means any product required
 17 to be produced to meet the goals of the course.

18 **SECTION 3.** ORS 339.147 is amended to read:

19 339.147. (1)(a) Notwithstanding ORS 339.141, no district school board or public charter school
 20 as defined in ORS 338.005 shall require tuition for courses not part of the regular school program,
 21 except for traffic safety education, from a pupil who is a member of a low-income family in an
 22 amount in excess of what the low-income family may receive as money specifically to be used for
 23 payment of such tuition.

24 (b) As used in this subsection, “low-income family” means a family whose children qualify for
 25 free or reduced price school meals under a federal program, including but not limited to the Na-
 26 tional School Lunch Act and the Child Nutrition Act of 1966, and all their subsequent amendments.

27 (2) A family that does not qualify under subsection (1) of this section but believes the payment
 28 of school tuition is a severe hardship may request the district school board or public charter school
 29 to waive in whole or in part the payment of such tuition.

30 (3) Any parent or guardian who believes that payment of any fee authorized under ORS 339.155
 31 is a severe hardship may request the district school board or public charter school to waive payment
 32 of the fee and the board or public charter school shall waive in whole or in part the fee upon a
 33 finding of hardship. Consideration shall be given to any funds specifically available to the parent,
 34 guardian or child for the payment of fees or other school expenses.

35 (4) No district school board or public charter school shall impose or collect fees authorized un-
 36 der ORS 339.155 from any student who is a ward of a juvenile court or of the Oregon Youth Au-
 37 thority or the Department of Human Services unless funds are available therefor in the court’s,
 38 authority’s or department’s budget.

39 (5) No district school board or public charter school is required to waive any fee imposed under
 40 ORS 339.155 [(5)(a) or (d)] (7)(a)(A) or (C).

41 **SECTION 4.** ORS 339.450, as amended by section 14, chapter 81, Oregon Laws 2022, is amended
 42 to read:

43 339.450. A school, school district or association, whether public or private, may not deny any
 44 grade or high school student the right to participate in interscholastic athletics solely on the ground
 45 that the student:

1 (1) Transferred between schools;

2 (2) Attends a public charter school, as defined in ORS 338.005;

3 (3) Participated in athletics at another school; [or]

4 (4) Is eligible to attend school under ORS 339.115 (1) and is enrolled in a program to earn a
5 certificate for passing an approved high school equivalency test, such as the General Educational
6 Development (GED) test[.]; or

7 **(5) Failed to pay a fee to participate in interscholastic athletics or failed to participate**
8 **in any fundraising activities related to interscholastic athletics.**

9 **SECTION 5.** ORS 339.460, as amended by section 13, chapter 81, Oregon Laws 2022, is amended
10 to read:

11 339.460. (1) As used in this section:

12 (a) “High school equivalency program” means a program provided to assist a student in earning
13 a certificate for passing an approved high school equivalency test such as the General Educational
14 Development (GED) test.

15 (b) “High school equivalency student” means a student who is eligible to attend school under
16 ORS 339.115 (1) and who is enrolled in a high school equivalency program.

17 (c) “Homeschooled student” means a child who is taught by a private teacher, a parent or a
18 legal guardian, as described in ORS 339.030.

19 (d) “Interscholastic activities” includes:

20 (A) For students in any grade from kindergarten through grade 12, athletics, music, speech and
21 other similar or related activities.

22 (B) For students in any grade from kindergarten through grade eight, activities that are offered
23 only before or after regular school hours and that may, but are not required to, involve interaction
24 among other schools.

25 (e) “Public charter school” has the meaning given that term in ORS 338.005.

26 (2) A school district may not deny a high school equivalency student, a homeschooled student
27 or a student who attends a public charter school that does not provide interscholastic activities the
28 opportunity to participate in all interscholastic activities available in the school district within the
29 attendance boundaries in which the high school equivalency student, homeschooled student or public
30 charter school student resides if the student fulfills the following conditions, as applicable:

31 (a)(A) For a high school equivalency student or a homeschooled student, the student must meet
32 all school district eligibility requirements except:

33 (i) The school district’s school or class attendance requirements; and

34 (ii) The class requirements of the voluntary association that administers the interscholastic ac-
35 tivity, if applicable.

36 (B) For a student who attends a public charter school, the student must meet all school district
37 eligibility requirements except the school district’s school or class attendance requirements.

38 (b) For a homeschooled student or a student who attends a public charter school, the student
39 must demonstrate academic eligibility by meeting one of these requirements:

40 (A) Achieve a minimum score that places the student at or above the 23rd percentile, based on
41 national norms, on an examination from the list the State Board of Education adopts under ORS
42 339.035. The student must take the examination prior to the beginning of the school year in which
43 the student will participate in an interscholastic activity and for which academic eligibility is being
44 determined, and the student’s parent or legal guardian must submit the results to the school district
45 for use in determining the student’s academic eligibility.

1 (B) Meet alternative requirements that a school district adopts, in consultation with the
2 student's parent or legal guardian, to participate in interscholastic activities, including but not
3 limited to a requirement that a student submit a portfolio of work samples to a school district
4 committee for review to determine whether the student is eligible to participate in interscholastic
5 activities.

6 (c) For a high school equivalency student, the student must demonstrate academic eligibility by
7 showing that, prior to beginning the interscholastic activity, the student has passed at least one
8 practice test administered through the high school equivalency program.

9 *[(3)(a) In addition to the requirements set forth in subsection (2) of this section, a public charter
10 school that enrolls a student who intends to participate in an interscholastic activity must pay to the
11 school district or school that offers the interscholastic activity, as appropriate and if the school district
12 or school requires payment as provided by this subsection:]*

13 *[(A) An annual fee that is equivalent to not more than five percent of the amount of the school
14 district's General Purpose Grant per ADMw, as calculated under ORS 327.013; and]*

15 *[(B) An additional annual fee that is equivalent to not more than five percent of the amount of the
16 school district's General Purpose Grant per ADMw, as calculated under ORS 327.013, if participating
17 in the interscholastic activity requires the student to enroll in a course for credit.]*

18 *[(b) The school district and the public charter school shall enter into an agreement to specify the
19 amount of the fees described in paragraph (a) of this subsection.]*

20 *[(c) A public charter school is required to pay a fee described in paragraph (a) of this subsection
21 only once per year per student participating in an interscholastic activity at a school in the school
22 district, regardless of the number of interscholastic activities in which the student participates.]*

23 **[(4)] (3)** A high school equivalency student, a homeschooled student or a student who attends a
24 public charter school may participate in interscholastic activities while awaiting examination or
25 practice test results unless the student is awaiting the results to restore academic eligibility.

26 **[(5)] (4)** A high school equivalency student, a homeschooled student or a student who attends a
27 public charter school who does not maintain academic eligibility is ineligible to participate in
28 interscholastic activities for the school year in which the student is determined to be academically
29 ineligible unless:

30 (a) At least 18 weeks have passed from the later of the date that the student:

31 (A) Was determined to have not maintained academic eligibility; or

32 (B) Became a high school equivalency student or a homeschooled student; and

33 (b) The student takes the required examinations or practice tests and meets the standards de-
34 scribed in subsection (2)(b) or (c) of this section.

35 **[(6)(a)] (5)(a)** A high school equivalency student, a homeschooled student or a student who at-
36 tends a public charter school must fulfill the same responsibilities and standards of behavior and
37 performance, including related class or practice requirements, as other students who participate in
38 the interscholastic activity. The student must also comply with all public school requirements during
39 the time of participation.

40 (b) A student who attends a public charter school must be allowed to participate in an inter-
41 scholastic activity in the same manner that a resident of the school district may participate in the
42 interscholastic activity. A school district may not give priority to residents of the school district to
43 participate in interscholastic activities, but may require a student who attends a public charter
44 school to satisfy any standards for acceptance for participation.

45 **[(7)] (6)** A high school equivalency student, a homeschooled student or a student who attends a

1 public charter school who participates in interscholastic activities must reside within the attendance
 2 boundaries of the school at which the student participates unless the school district has a policy
 3 that allows any student attending a school of the school district to participate in interscholastic
 4 activities at any school of the school district.

5 **SECTION 6.** ORS 327.254 is amended to read:

6 327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-
 7 atives Account to provide funding for statewide education initiatives, including:

8 (a) Funding the High School Graduation and College and Career Readiness Act at the levels
 9 prescribed by ORS 327.856;

10 (b) Expanding school breakfast and lunch programs;

11 (c) Operating youth reengagement programs or providing youth reengagement services;

12 (d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS
 13 339.341;

14 (e) Developing and providing statewide equity initiatives, including the Black or African-
 15 American education plan developed under ORS 329.841, the American Indian or Alaska Native edu-
 16 cation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under
 17 ORS 329.845 or any similar education plan identified by the department;

18 (f) Providing summer learning programs at schools that are considered high poverty under Title
 19 I of the federal Elementary and Secondary Education Act of 1965;

20 (g) Funding early warning systems to assist students in graduating from high school, as de-
 21 scribed in ORS 327.367;

22 (h) Developing and implementing professional development programs and training programs, in-
 23 cluding programs that increase educator diversity and retain diverse educators;

24 (i) Planning for increased transparency and accountability in the public education system of this
 25 state;

26 **(j) Paying costs that are incurred by a school district or a public charter school for stu-**
 27 **dent participation in interscholastic activities because the school district or public charter**
 28 **school does not require a student to pay related fees or to participate in related fundraising**
 29 **activities as a condition of participating in the interscholastic activity;**

30 [(j)] **(k)** Providing additional funding to school districts participating in the intensive program
 31 under ORS 327.222;

32 [(k)] **(L)** Providing technical assistance, including costs incurred for:

33 **(A)** The coaching program described in ORS 327.214; and

34 **(B)** The intensive program described in ORS 327.222, including costs for student success teams;

35 [(L)] **(m)** Funding public charter schools, as described in ORS 327.362;

36 [(m)] **(n)** Funding education service districts, as described in subsection (2) of this section; and

37 [(n)] **(o)** Funding costs incurred by the department in implementing this section and ORS 327.175
 38 to 327.235 and 327.274.

39 (2)(a) The amount of a distribution to an education service district under this section shall be
 40 made as provided by paragraph (b) of this subsection after calculating the following for each edu-
 41 cation service district:

42 **(A)** One percent of the total amount available for distribution to education service districts in
 43 each biennium.

44 **(B)** The education service district's ADMw \times (the total amount available for distribution to
 45 education service districts in each biennium \div the total ADMw of all education service districts

1 that receive a distribution).

2 (b) The amount of the distribution to an education service district shall be the greater of the
3 amounts calculated under paragraph (a) of this subsection, except that, for distributions made as
4 provided by paragraph (a)(B) of this subsection, the total amount available for distribution to edu-
5 cation service districts shall be the amount remaining after any distributions required under para-
6 graph (a)(A) of this subsection have been made.

7 (c) For purposes of this subsection, ADMw equals the ADMw as calculated under ORS 327.013,
8 except that the additional amount allowed for students who are in poverty families, as determined
9 under ORS 327.013 (1)(c)(A)(v)(I), shall be 0.5.

10 (d) An education service district shall use moneys received under this section as provided by a
11 plan developed by the school districts located within the education service district. A school district
12 that declines to participate in the development of the plan or that has withdrawn from an education
13 service district as provided by ORS 334.015 is not entitled to any moneys distributed to the educa-
14 tion service district under this subsection.

15 (e) A plan developed under this subsection must:

16 (A) Align with and support school districts in meeting the performance growth targets of the
17 school districts developing the plan;

18 (B) Include the provision of technical assistance to school districts in developing, implementing
19 and reviewing a plan for receiving a grant from the Student Investment Account;

20 (C) Provide for coordination with the department in administering and providing technical as-
21 sistance to school districts, including coordinating any coaching programs established under ORS
22 327.214; and

23 (D) Be adopted and amended as provided for local service plans under ORS 334.175 and approved
24 by the department.

25 (f) Each education service district must submit an annual report to the department that:

26 (A) Describes how the education service district spent moneys received under this subsection;
27 and

28 (B) Includes an evaluation of the education service district's compliance with the plan from the
29 superintendent of each school district that participated in the development of the plan.

30 (3) The State Board of Education shall adopt rules necessary for the distribution of moneys un-
31 der this section.

32 **SECTION 7. This 2023 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
34 **July 1, 2023.**